

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Pietrangelo, Antonello	Confirmation No.:	7977
Serial No.:	10/560,157	Art Unit:	1634
Filed:	June 15, 2006	Examiner:	Goldberg, Jeanine Anne
For:	MUTATIONS IN THE SCL40A1 GENE ASSOCIATED TO IMPAIRED IRON HOMEOSTASIS	Attorney Docket No.:	8907-109-999

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have carefully considered the Restriction Requirement mailed May 8, 2008, in connection with the above-captioned application. Reconsideration of the Restriction Requirement under 37 C.F.R. § 1.143 in light of the remarks that follow is respectfully requested. Accompanying this Response is a Petition for Extension of Time under 37 C.F.R. § 1.136(a) to extend the period of response by one month, to and including July 8, 2008.

The Patent Office has imposed a restriction under 35 U.S.C. § 121 among the following inventions:

Group I – Claims 1-4, 11-21, 50-52, drawn to an isolated nucleic acid comprising a mutation at position 80 of SEQ ID NO:2;

Group II - Claims 1, 5-7, 11-21, 50-52, drawn to an isolated nucleic acid comprising a mutation at position 174 of SEQ ID NO: 2;

Group III – Claims 1, 8-10, 11-21, 50-52, drawn to an isolated nucleic acid comprising a mutation at position 248 of SEQ ID NO: 2;

Group IV – Claims 22-24, drawn to SEQ ID NO: 4;

Group V – Claims 22-24, drawn to SEQ ID NO: 6;

Group VI – Claims 22-24, drawn to SEQ ID NO: 8;

Group VII – Claims 25, 48-49, drawn to use of polynucleotides in therapeutics;

Group VIII – Claims 26-27, drawn to use methods of detecting nucleic acids;

Group IX – Claims 28-41, 47, drawn to methods of detecting nucleic acids;

Group X – Claims 42-43, drawn to methods of detecting amino acids;

Group XI – Claim 44, drawn to antibody;

Group XII – Claim 45, drawn to use of antibody to detect inactivation of mutated ferroportin 1 protein;

Group XIII – Claim 46, drawn to computer readable support.

Applicants respectfully traverse and submit that it would not be a serious burden on the Patent Office to search and examine inventions of Groups I-III together.

M.P.E.P. § 803 provides that:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

Applicants respectfully submit that to search and examine the subject matter of Groups I-III together would not be a serious burden on the Patent Office. Each of Groups I-III is directed to an isolated nucleic acid comprising a mutation of a ferroportin 1 cDNA sequence, SEQ ID NO:2. Each mutation comprises a single nucleotide substitution of SEQ ID NO:2, thus the isolated nucleic acids of Groups I-III differ in their sequences by one nucleotide from the sequence of SEQ ID NO:2. In addition, each mutation is associated with non-HFE hemochromatosis, Bantu Siderosis or African hemochromatosis. *See* Specification, page 2, lines 10-16. Thus, a search for subject matter of any invention of Group I-III would retrieve subject matter in each of the other two restriction groups. Hence, it would not be a serious burden on the Patent Office to carry out a single search directed toward the subject

matter of Groups I-III. Accordingly, in view of M.P.E.P. § 803, Groups I-III should be searched and examined together in the instant application.

Applicants respectfully request reconsideration of the restriction requirement, and that Group I, Group II and Group III be examined together..

In order to be fully responsive to the restriction requirement, Applicants hereby elect, with traverse, to prosecute Group I, encompassing Claims 1-4, 11-21 and 50-52, drawn to an isolated nucleic acid comprising a mutation at position 80 of SEQ ID NO:2.

Applicants fully reserve the right to pursue non-elected subject matter in one or more later filed divisional, continuation, or continuation-in-part applications.

Applicants retain the right to petition from the restriction/election requirement under 37 C.F.R. § 1.144.

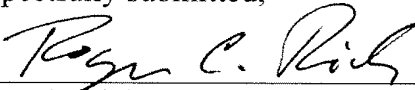
CONCLUSION

Applicants respectfully request the above remarks be entered and made of record in the file history.

No fees, other than the fee for extension of time, are believe to be due with this response. However, pursuant to 37 C.F.R. §1.136 (a)(3), the Commissioner is authorized to charge all required fees, or credit any overpayment, to Jones Day Deposit Account No. 50-3013 (order no. 043018-999106).

Respectfully submitted,

Date: July 8, 2008



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54,398
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